

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re application of:

Application No.: 10/689,140

Group No.

Filed: 10/17/2003

Examiner:

For: Luminous Bacteria and Methods for the Isolation, Identification and Quantitation of Toxicants

☐ Patent No.*:

Issue date:

*NOTE: Insert name of inventor(s) and title also for patent. Where notification is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO ACCORD CORRESPONDENCE FILING DATE SHOWN
ON EXPRESS MAIL LABEL "DATE-IN"
(37 C.F.R. § 1.10(c))

NOTE: See § 513, M.P.E.P., 7th Edition.

1. This is a petition to accord the correspondence in the above-identified

☒ application

☐ patent

the "date-in" of 10/17/03 shown on the Express Mail label No. EL991325998US.

It is respectfully contended that the date of 10/20/03 accorded this correspondence by the PTO is incorrect.

2. Submitted herewith is the statement of Stephen A. Slusher as to when the discrepancy was discovered and establishing that this petition is being filed promptly thereafter. 37 C.F.R. § 1.10(c)(1).

3. Attached is a true copy of the first page of the correspondence which was filed, showing both the date on which this correspondence was mailed as Express Mail Label No. EL991325998US and that the number of the Express Mail was placed thereon prior to mailing. 37 C.F.R. § 1.10(c)(2).

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

Date: 13 Nov 2003

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office, (703) _____

Signature

Stephen A. Slusher

(type or print name of person certifying)

(Petition to Accord Correspondence Filing Date Shown on Express Mail Label "Date-in"—[8-13]—page 1 of 2)

4. Attached is true copy of the "Express Mail" mailing label showing the "date-in" of
EL991325998US 37 C.F.R. § 1.10(c)(3).

NOTE: See 37 C.F.R. § 1.10(d)(3).

5. ☒ Other

Attached is a true copy of the front and back of the return postcard.

6. The petition fee (37 C.F.R. § 1.17(h)-\$130.00) is paid as follows:

- ☒ Attached is a ☒ check ☐ money order in the amount of \$ 130.00
☐ Authorization is hereby made to charge the amount of \$ _____
☒ to Deposit Account No. 13-4213
☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

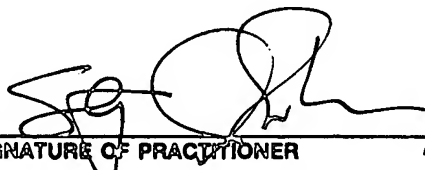
A duplicate of this paper is attached.

Date: 13 November 2003

Reg. No.: 43,924

Tel. No.: (505) 998-6130

Customer No.: 005179



SIGNATURE OF PRACTITIONER
Stephen A. Slusher

(type or print name of practitioner)
P.O. Box 26927

P.O. Address
Albuquerque, NM 87125-6927



Patent Title: 31695-1001

31695-1001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re application of:

Application No.: 10/689,140

Group No.

Filed: 10/17/2003

Examiner:

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Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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(37 C.F.R. § 1.10(c))**

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Date: 13 Nov 2003

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☐ transmitted by facsimile to the Patent and Trademark Office, (703) _____

Signature

Stephen A. Slusher

(type or print name of person certifying)

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NOTE: See 37 C.F.R. § 1.10(d)(3).

5. ☒ Other

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☐ Authorization is hereby made to charge the amount of \$ _____

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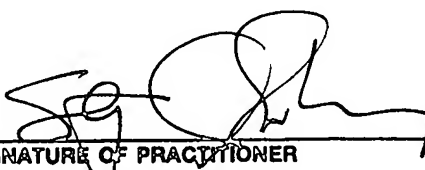
A duplicate of this paper is attached.

Date: 13 November 2003

Reg. No.: 43,924

Tel. No.: (505) 998-6130

Customer No.: 005179


SIGNATURE OF PRACTITIONER

Stephen A. Slusher

(type or print name of practitioner)

P.O. Box 26927

P.O. Address

Albuquerque, NM 87125-6927



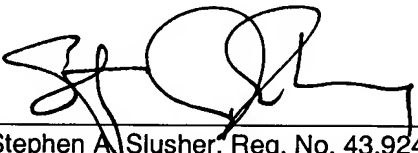
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): James E. Becvar, et al. :
Serial No.: 10/689,140 :
Filed: October 17, 2003 : Attorney Docket No. 31695-1001
For: LUMINOUS BACTERIA AND METHODS FOR :
THE ISOLATION, IDENTIFICATION AND :
QUANTITATION OF TOXICANTS :

STATEMENT OF STEPHEN A. SLUSHER

The return postcard was received in our office on November 13, 2003, and a copy of the front and back side thereof is included as item 5. The discrepancy was discovered upon receipt, and a petition is being filed on the same day.

By 
Stephen A. Slusher, Reg. No. 43,924

Date: 13 Nov 2003

PEACOCK, MYERS & ADAMS, P.C.
P.O. Box 26927
Albuquerque, New Mexico 87125-6927
Telephone: (505) 998-1500
Facsimile No. (505) 243-2542
Customer No. 005179



EL 991325998 US

Mailing Label
Label 11-F June 2002

EXPRESS



EL 991325998 US



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Label 11-F June 2002

Post Office To Address

ORIGIN (POSTAL USE ONLY)

PO ZIP Code 87102	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input checked="" type="checkbox"/>
Date In Mo. 10 Day 17 Year 2003	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 13.65
Time In 4:26	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Return Receipt Fee
Weight 1 lbs. 0 ozs.	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	COD Fee Insurance Fee
Int'l Alpha Country Code	Acceptance Clerk Initials PA	Total Postage & Fees \$ 13.65
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		

DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
NO DELIVERY	<input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Customer Signature

CUSTOMER USE ONLY

METHOD OF PAYMENT:
Express Mail Corporate Acct. No. A671003Federal Agency Acct. No. or
Postal Service Acct. No.

FROM: (PLEASE PRINT)

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ALBUQUERQUE NM 87125-3362

TO: (PLEASE PRINT)

PHONE ()

Mail Stop Patent Application
Commissioner for Patents
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Alexandria, VA 22313-1450

Secvar

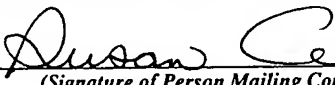
31695-1001

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CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) Applicant(s): <u>James E. Becvar, et al.</u>			Docket No. 31695-1001	
Serial No. To Be Assigned	Filing Date Herewith (10/17/2003)	Examiner Unknown		Group Art Unit Unkn wn
Invention: LUMINOUS BACTERIA AND METHODS FOR THE ISOLATION, IDENTIFICATION AND QUANTITATION OF TOXICANTS				
<p>I hereby certify that this <u>Patent Application</u> _____ <i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on _____ <u>October 17, 2003</u> <i>(Date)</i></p> <div style="text-align: right; margin-top: 20px;"> <u>Susan Cowell, Paralegal</u> <i>(Typed or Printed Name of Person Mailing Correspondence)</i>  <i>(Signature of Person Mailing Correspondence)</i> </div> <div style="text-align: right; margin-top: 10px;"> <u>EL991325998US</u> <i>("Express Mail" Mailing Label Number)</i> </div>				
Note: Each paper must have its own certificate of mailing.				

NOV 13 2003
The RECEIVED stamp of the U.S. Patent and Trademark Office
hereon acknowledges receipt of the following paper:

**CONTINUATION PATENT APPLICATION
(PATENT)**

Applicants: James E. Becvar, et al.
For: *Luminous Bacteria and Methods for the Isolation, Identification
and Quantitation of Toxicants*
S/N: 09/954,841
Filing Date: October 17, 2003
Contents: Utility Patent Application Transmittal; Specification (56
pgs.); Figures (6 pgs.); Declaration and Power of Attorney;
Application Data Sheet; Check for \$412; Preliminary Amendment;
Certificate of Express Mail Label No. EL991325998US;
Associate Power of Attorney; postcard.

22386 U.S. PTO
10/689140

Attorney: Stephen A. Slusher; Reg. No.: 43,924
Date: October 17, 2003



RECEIVED
NOV 13 2003

PEACOCK, MYERS & ADAMS, PC

PEACOCK, MYERS & ADAMS
Professional Corporation
Post Office Box 26927
Albuquerque, New Mexico 87125-6927

